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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NGU HAHN SON, INC. dba: CHO SENTER) CASE NO. 3:19-cv-00499-RS
MARKET, a California Corporation)

Plaintiff,

vs.

LIBERTY MUTUAL INSURANCE)
COMPANY, a corporation, WEST)
AMERICAN INSURANCE COMPANY,)
and DOES 1 through 20,)

Defendants.

**JOINT STIPULATION AND ORDER TO
VACATE TRIAL DATE AND PRETRIAL
DEADLINES**

As indicated in the parties' recently filed joint case management conference statement (ECF. 39), Plaintiff Ngu Hahn Son, Inc. dba: Cho Senter Market and Defendants Liberty Mutual Insurance Company and West American Insurance Company, through undersigned counsel of record, submit this stipulation and proposed order to vacate the dates presently scheduled in this action, and to discuss the setting of new dates at the June 18, 2020 case management conference. The reason for this stipulation and proposed order is that, as set forth below, the parties are unable to complete significant remaining depositions by the current June 12, 2020 discovery cut off due to travel restrictions and work restrictions caused by the coronavirus (COVID-19) pandemic.

WHEREAS, on June 13, 2019, the Court issued its case management scheduling order in this case (ECF 25);

WHEREAS, the Court's scheduling order set forth the following case schedule:

Completion of non-expert discovery: February 27, 2020

Initial Expert Disclosures: March 19, 2020

Rebuttal Expert Disclosures: April 9, 2020

Completion of expert discovery: April 30, 2020

Deadline to Hear Pretrial Motions: July 16, 2020

Pretrial Conference: September 16, 2020

Trial: September 28, 2020

WHEREAS, due to the trial calendars of counsel, the number and location of witnesses whose depositions remained to be taken, including out of state witnesses, and the unavailability of counsel due to other trials, the parties submitted a joint stipulation on January 27, 2020 requesting the Court extend certain discovery deadlines. (ECF 28.)

WHEREAS, on January 30, 2020, the Court granted the parties' stipulated request and set new discovery deadlines as follows (ECF 30):

Completion of non-expert discovery: April 10, 2020

Initial Expert Disclosures: April 24, 2020

Rebuttal Expert Disclosures: May 8, 2020

Completion of expert discovery: May 29, 2020

WHEREAS, on March 10, 2020, the parties again stipulated to extend the case schedule and trial date in light of the emerging coronavirus pandemic and schedules (ECF 36), and on March 11, 2020, the Court ordered (ECF 37) a new schedule as follows:

Completion of non-expert discovery: June 12, 2020

Initial Expert Disclosures: June 26, 2020

Rebuttal Expert Disclosures: July 10, 2020

Completion of expert discovery: July 24, 2020

Deadline to Hear Pretrial Motions: September 3, 2020

Pretrial Conference: November 4, 2020

Trial: November 16, 2020

WHEREAS, the parties have completed some depositions but additional depositions remain to be taken, including out of state depositions;

WHEREAS, after the Court's order modifying the scheduling order was entered, six San Francisco Bay Area Counties issued a shelter in place order (the "COVID Order") on March 16, 2020, which order was extended to the entire state of California by Governor Gavin Newsom on March 19, 2020 for an indefinite duration;

WHEREAS, the pandemic and COVID Order, which requires all Californians to stay in their homes with limited exceptions, impedes the parties' ability to conduct discovery including scheduling and taking depositions;

WHEREAS, other states where witnesses in this case are located have instituted similar orders in response to the coronavirus pandemic;

WHEREAS, it is unknown how long the various orders will remain in place in light of continuing developments as the coronavirus pandemic continues across the country;

WHEREAS, in light of the foregoing, the parties agree that it is unknown when the parties will be able to resume depositions;

1 WHEREAS, it is apparent that the parties will not be able to complete all depositions by the
2 June 12, 2020 discovery cut off due to the complications and delay burdening the discovery process as
4 a result of the coronavirus pandemic and the COVID Order;

5 WHEREAS, extending the discovery deadlines in this case to allow sufficient time to complete
6 all remaining depositions and to complete expert discovery would impact other dates set by the Court,
7 including the deadline to hear dispositive motions, which would in turn affect the date of the pretrial
8 conference and trial;

9 WHEREAS, good cause exists to modify the scheduling order because the parties are unable to
10 complete discovery to adequately prepare for trial in light of the exigencies caused by the coronavirus
11 pandemic and the COVID Order;

12 WHEREAS, on March 27, 2020, the Court continued a case management conference in this
13 case to June 18, 2020 (ECF 40);

14 WHEREAS, there may be more clarity regarding the coronavirus pandemic by June 18, 2020.

15 THEREFORE, the parties, by and through their respective counsel of record, agree and
16 stipulate and respectfully request the Court's approval as follows:

17 That the current case schedule, including the pre-trial conference and trial, be vacated;

18 That the Court re-set all dates during the June 18, 2020 case management conference.

19 IT IS SO STIPULATED.

20 Dated: April 3, 2020

MAYNARD, COOPER & GALE, LLP

21
22 /s/ Nicholas J. Boos
23 NICHOLAS J. BOOS
24 NORMAN LAU
25 Attorney for Defendants
26 LIBERTY MUTUAL INSURANCE COMPANY
27 and WEST AMERICAN INSURANCE
28 COMPANY

1 Dated: April 3, 2020

KERLEY SCHAFFER LLP

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5 /s/ Dylan L. Schaffer
6 J. EDWARD KERLEY
7 DYLAN L. SCHAFFER
8 CHRISTOPHER CARLING
9 Attorney for Plaintiff
10 NGU HAHN SON, INC. dba: CHO SENTER
11 MARKET

12 Pursuant to Stipulation, and good cause appearing, all dates presently set in this case are vacated,
13 to be re-set at a later date.

14 IT IS SO ORDERED.

15 DATED: April 6, 2020

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HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

**JOINT STIPULATION AND [PROPOSED] ORDER TO VACATE TRIAL DATE AND
PRETRIAL DEADLINES**

Attorneys for Plaintiff
NGU HAHN SON, INC. dba: CHO SENTER MARKET

Executed on April 3, 2020 at San Francisco, CA.

Brian Day